

Central Intelligence Agency



Washington, D.C. 20505

OCA FILE

Leg
W.H.

3 August 1988
OCA 2598-88

The Honorable Mark Greenburg
Special Assistant to the President
Office of Legislative Affairs
The White House
Washington, D.C. 20500

Dear Mr. Greenburg:

Following up on our recent conversation, I've enclosed some material on the "drug czar" issue.

Current law (21 U.S.C. §1203 (d) - copy enclosed) provides that the Drug Policy Board shall take no action inconsistent with the powers and duties of the Director of Central Intelligence under statute or Executive Order. Throughout the "czar v. board" debate, this caveat has been retained: S. 789, an early Biden bill, and H.R. 4916, the House Judiciary Committee's contribution to the House Democratic leadership's omnibus bill, both have it (copies enclosed).

The provision, however, appears to be missing from the latest drafts of the "Byrd" and "Dole" Senate omnibus bills. We hope that in its discussions with the Senate on the "drug czar" portion of the bill, the Administration will support retention of this important provision.

I look forward to discussing the issue with you after you have had a chance to review the latest Congressional proposal.

Office of Congressional Affairs

Enclosures

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FOOD AND DRUGS

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1984 U.S. Code

EXECUTIVE ORDER NO. 12590

Mar. 26, 1987, 52 F.R. 10021

NATIONAL DRUG POLICY BOARD

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(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement and to the reduction of drug abuse; and

(4) provide policy guidance to the agencies and facilitate resolution of differences in this area concerning interagency activities and other matters affecting two or more agencies.

(c) In order to help coordinate the activities of Executive departments and agencies with responsibility for drug law enforcement and drug abuse reduction, and to supervise implementation of the determinations of the Board, the Chairman shall:

(1) advise the Board in matters concerning its responsibilities;

(2) make recommendations to the Board for the coordination of drug enforcement and drug abuse reduction activities;

(3) correlate and evaluate intelligence and other information to support the activities of the Board;

(4) act as primary advisor to the President and the Congress on national and international programs and policies and the implementation of those policies; and

(5) perform such other duties as the President may direct.

(d) The Board shall carry out all duties and responsibilities of the National Drug Enforcement Policy Board, as set forth in Chapter XIII (The National Narcotics Act) of Title II of Public Law 98-473 [this chapter].

(e) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Office of Management and Budget, or any Office or official thereof.

Sec. 3. Coordinating Groups. The Board shall establish a Drug Enforcement Coordinating Group and a Drug Abuse Prevention and Health Coordinating Group. The membership and chairman of each Coordinating Group shall be designated by the Chairman of the Board.

Sec. 4. Conforming Amendments. (a) Section 1 of Executive Order No. 12368 [set out as a note under section 1112 of this title] is amended to provide as follows:

"The Office of Policy Development has been assigned to assist the President and the National Drug Policy Board in the performance of the drug policy functions contained in Section 201 of Title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1111). Within the Office of Policy Development, the Director of the Drug Abuse Policy Office shall be primarily responsible for assisting the President and the Board in the performance of those functions."

(b) Section 2 of Executive Order No. 12368 is amended by deleting "Director of the Drug Abuse Policy Office" and inserting in lieu thereof "Na-

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FOOD AND DRUGS

21 § 1203

RONALD REAGAN

tional Drug Policy Board" and by deleting "he" and inserting in lieu thereof "the National Drug Policy Board."

§ 1203. Responsibilities and functions of National Drug Enforcement Policy Board

(a) Coordination of operations and policy

The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(b) Duties of Chairman

For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary advisor to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(c) Authority of Chairman

In carrying out responsibilities under this section, the Chairman, on behalf of the Board, is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of Government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy, and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of Title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all Government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Non-interference with operations of other agencies

Notwithstanding the authority granted in this section, the Board and the Chairman shall not interfere with routine law enforcement or intelligence decisions of any agency and shall undertake no activity inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.

II

100TH CONGRESS
1ST SESSION

S. 789

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To provide the framework necessary to pursue a coordinated and effective
national and international narcotics control policy.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 17), 1987

Mr. BIDEN (for himself, Mr. DECONCINI, Mr. CHILES, Mr. BYRD, Mr. NUNN, Mr. LEAHY, Mr. KERRY, Mr. HEFLIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. DODD, Mr. PRYOR, Mr. FORD, Ms. MIKULSKI, Mr. MELCHER, Mr. MATSUNAGA, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. SASSER, Mr. KENNEDY, Mr. LEVIN, Mr. PELL, Mr. SIMON, Mr. HOLLINGS, Mr. MITCHELL, Mr. GRAHAM, Mr. CRANSTON, Mr. INOUE, Mr. FOWLER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide the framework necessary to pursue a coordinated
and effective national and international narcotics control
policy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Narcotics Lead-
5 ership Act of 1987".

HR4916A

JULY 6, 1988

H.R. 4916, AS ORDERED REPORTED BY THE COMMITTEE ON THE
JUDICIARY ON JUNE 30, 1988

AMENDMENT IN THE NATURE OF A SUBSTITUTE, INCORPORATING ALL
AMENDMENTS AGREED TO BY THE COMMITTEE ON THE JUDICIARY

[NOTE: THIS DOCUMENT HAS NOT BEEN TECHNICALLY CORRECTED.]

Strike out all after the enacting clause and insert in
lieu thereof the following:

DATE/TIME TRANSMITTED

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IMMEDIATE

FROM

Legislation Division
Office of Congressional Affairs
CENTRAL INTELLIGENCE AGENCY

Tel No.

SUBJECT

Material on the "drug czar" issue.

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Mark Greenburg

The White House

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REMARKS: